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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/201,530	11/30/1998	DONALD F. GORDON	533/173	1669

26291

7590

02/10/2003

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EXAMINER

KOENIG, ANDREW Y

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 02/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/201,530

Applicant(s)

GORDON ET AL.

Examiner

Andrew Y Koenig

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☐ Claim(s) 19, 23-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-19 and 23-27 are pending. Claims 1-18 are allowed. Claims 19, and 23-27 are rejected.

Response to Arguments

2. Applicant's arguments filed 15 August 2002 have been fully considered but they are not persuasive.
3. The applicant argues that the combination of Asamizuya fails to teach "encoding, in real-time, a broadcast video frame sequence to form a broadcast bitstream, while at the same time encoding the broadcast video frame sequence to form a storage bit stream" (see pg. 5 of response filed 14 November 2002). However, the applicant argues that "the Examiner concedes, nowhere is there any teaches or suggestion in the Asamizuya reference of encoding a broadcast video frame sequence to form a broadcast bitstream, while at the same time encoding the broadcast video frame sequence to form a storage bitstream." As stated in the Office Action mailed 15 August 2002, "Asamizuya is silent on teaching the claimed broadcast encoder and transmitting the bitstream at the same time as storing the bitstream." Accordingly, the deficiency of storing and transmitting at the same time is taught by Liu (col. 3-, ll. 36-42).
4. The applicant argues that the Liu teaches copying an encoded video bitstream into the mass storage (see pg. 6 of response). However, the examiner notes that there

is no suggestion or limitation in the claims, which circumvents the interpretation of copying an encoded video bitstream into the mass storage as argued.

5. The examiner recognizes that the inventions are different, however, the claim language does not recite that the encoder for the broadcast bitstream and the encoder for the storage bitstream are separate and distinct encoders. Accordingly, the interpretation of Liu, that is, the storage and transmission bitstreams are encoded by the same encoder, reads on the claim language.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 19 and 23-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,314,576 to Asamizuya et al. in view of U.S. Patent 5,970,233 to Liu et al. and U.S. Patent 5,701,383 to Russo et al.

8. Regarding claims 19, 23-25, and 27, Asamizuya teaches encoding a video frame sequence to form a storage bitstream (col. 9, ll. 2-19), which is stored then is archive storage (col. 10, ll. 41-48). Asamizuya teaches transmitting the video stream to subscribers (col. 10, ll. 41-48).

Asamizuya is silent on teaching the claimed broadcast encoder and transmitting the bitstream at the same time as storing the bitstream.

Liu teaches encoding video frame sequences to form a broadcast stream and storing and transmitting the encoded data (col. 3, ll. 36-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Asamizuya by encoding a video frame sequence as and transmitting and storing the encoded data as taught by Liu in order to compress the data and consequently making efficient use of the bandwidth while storing and transmitting at the same time.

Asamizuya is silent on teaching switching from decoding a storage bitstream to a broadcast bit stream.

Russo teaches switching from the storage bitstream to the broadcast bit stream, where a time-shifted version of the program is transmitted and is fast forwarded until it "catches up" with the broadcasted program (col. 3, ll. 31-38).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Asamizuya by switching from decoding a storage bitstream to a broadcast bit stream as taught by Russo in order to permit the user to view the time-shifted portion of a program and upon a request fast forward up to the current broadcast, thereby enabling real-time viewing of the broadcasted information.

Regarding claim 26, Asamizuya teaches a play bitstream, but Asamizuya and Liu are silent on teaching fast forward and fast reverse. Lee teaches both fast forward and fast reverse bitstreams (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Asamizuya and Liu

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by using fast forward and fast reverse in order to enable the viewer to control the display thereby providing a more interactive environment and more flexibility to the user.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

ayk
January 28, 2003


CHRIS GRANT
PRIMARY EXAMINER